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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

X Corp.,

Plaintiff,

v.

BRIGHT DATA, LTD.

Defendant

Case No. 23-cv-03698-WHA

Judge: Hon. William Alsup

BRIGHT DATA'S ADMINISTRATIVE MOTION TO EXCEED THE PAGE LIMIT

1 Bright Data respectfully moves for leave to exceed the page limit for its motion to dismiss
2 X's Amended Complaint, ECF 36 (the "Motion"). On November 22, 2023, Bright Data proposed
3 a briefing schedule and page limits to X. X agreed to the briefing schedule, which is subject to the
4 stipulation and propose order filed today. But X did not agree to an extension of pages.
5 Munkittrick Decl. ¶ 4, Ex. 1. Specifically, Bright Data proposed that its opening brief and X's
6 opposition be 35 pages, and Bright Data's reply be 25 pages. *Id.* The additional pages are
7 necessary to fully address the three new counts X added in its Amended Complaint.

8 Bright Data's motion to dismiss X's original complaint (ECF 22) – focusing on X's tortious
9 interference claim (under Rules 12(b)(2) and 12(b)(6)), unjust enrichment claim (under Rule
10 12(b)(6)), and a breach of contract claim based on Bright Data employee accounts (under 12(b)(6))
11 – took the full 25 pages provided under Civil L.R. 7-2(b). Bright Data intends to raise those
12 arguments again in its anticipated motion to dismiss the Amended Complaint, and requests an
13 additional ten pages to address X's three new claims of trespass to chattels; unlawful, unfair or
14 fraudulent business practices (Cal. Bus. & Prof. Code § 17200 et seq.); and misappropriation.

15 Bright Data's request is reasonable. It equates to little over three pages per new claim, and
16 Bright Data should not be forced to discard substantive arguments and discussion of X's tortious
17 interference, unjust enrichment, and breach of contract claims solely because X chose to add three
18 claims to its Amended Complaint.

19 The three additional claims are entirely new, each with its own separate elements. Each
20 will require discussion of distinct issues, such as whether an electronic communication to X's
21 servers through public channels can constitute a trespass of physical property or is somehow a
22 misrepresentation or fraud. Bright Data believes the parties and the Court would benefit from full
23 discussion of all these issues, particularly as resolution of these issues will significantly impact the
24 scope of this case and discovery.

25 For these reasons, Bright Data respectfully requests that it be allowed to submit an opening
26 brief of 35 pages in support of its motion to dismiss X's Amended Complaint, that X be allowed
27
28

1 an opposition brief of 35 pages, and Bright Data a reply of 25 pages. A proposed Order is
2 submitted herewith.

3
4 Dated: November 28, 2023

Respectfully submitted,

5
6 /s/ Colin Kass

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